

CHAPTER 1136**ENTERPRISE ZONES — APPLICATION DEADLINE EXTENSION***H.F. 2370*

AN ACT relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 15E.192, subsection 3, Code 2009, is amended to read as follows:

3. A city may create an economic development enterprise zone as authorized in this division, subject to certification by the department of economic development, by designating up to four square miles of the city for that purpose. In order for an enterprise zone to be certified pursuant to this subsection, an enterprise zone shall meet the distress criteria provided in section 15E.194, subsection 3. Section 15E.194, subsection 2, shall not apply to an enterprise zone certified pursuant to this subsection. ~~For the fiscal period beginning July 1, 2007, and ending June 30, 2010, each fiscal year a cumulative total of not more than twenty-five million dollars worth of incentives and assistance under section 15E.196, subsections 1, 2, 3, 4, and 6, shall be awarded to eligible businesses that apply to an enterprise zone commission for incentives and assistance during that fiscal year and that are located in an enterprise zone certified pursuant to this subsection.~~ For purposes of this subsection and section 15E.194, subsection 3, “city” means a city that includes at least three census tracts, as determined in the most recent federal census.

Sec. 2. Section 15E.192, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. A county or city may apply to the department for an area to be certified as an enterprise zone at any time prior to July 1, 2010 2012. However, the total amount of land designated as enterprise zones under subsection 1, and any other enterprise zones certified by the department, excluding those approved pursuant to subsection 2 and section 15E.194, subsections 3 and 5, shall not exceed in the aggregate one percent of the total county area.

Sec. 3. Section 15E.194, subsection 5, paragraph a, Code 2009, is amended to read as follows:

a. A city of any size or any county may designate an enterprise zone at any time prior to July 1, 2010 2012, when a business closure or permanent layoff occurs. The business closure or permanent layoff must involve the loss of full-time employees, not including retail employees, at one place of business totaling at least one thousand employees or four percent or more of the county’s resident labor force based on the most recent annual resident labor force statistics from the department of workforce development, whichever is lower. A permanent layoff does not include a layoff of seasonal employees or a layoff that is seasonal in nature. For purposes of this paragraph, “*permanent layoff*” means the loss of jobs to an out-of-state location, the cessation of one or more production lines, the removal of manufacturing machinery and equipment, or similar actions determined to be equivalent in nature by the department. A permanent layoff must occur on or after February 1, 2007. The enterprise zone may be established on the property of the place of business that has closed or imposed a permanent layoff and the enterprise zone may include an area up to an additional three miles adjacent to the property. The area meeting the requirements for enterprise zone eligibility under this subsection shall not be included for the purpose of determining the area limitation pursuant to section 15E.192, subsection 4. The closing business or business creating a permanent layoff shall not be eligible to receive incentives or assistance under this division. An eligible housing business under section 15E.193B shall not receive incentives or assistance for a home or multiple dwelling unit built or rehabilitated in an enterprise zone designated pursuant to this subsection.

CHAPTER 1137**TRUSTS AND ESTATES — MISCELLANEOUS CHANGES***H.F. 2483*

AN ACT relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 450.4, subsection 5, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

5. *a.* On that portion of the decedent's interest in an employer-provided or employer-sponsored retirement plan or on that portion of the decedent's individual retirement account that will be subject to federal income tax when paid to the beneficiary. This exemption shall apply regardless of the identity of the beneficiary and regardless of the number of payments to be made after the decedent's death.

b. For purposes of this exemption:

(1) An individual retirement account includes an individual retirement annuity or any other arrangement as defined in section 408 of the Internal Revenue Code.

(2) An “*employer-provided or employer-sponsored retirement plan*” includes a qualified retirement plan as defined in section 401 of the Internal Revenue Code, a governmental or nonprofit employer's deferred compensation plan as defined in section 457 of the Internal Revenue Code, and an annuity as defined in section 403 of the Internal Revenue Code.

Sec. 2. Section 565B.6, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. The transfer is authorized by the court if all ~~transfers (including transfers, including the transfer to be made and prior transfers)~~ transfers, exceed ~~ten~~ twenty-five thousand dollars in value. Transfers by a personal representative, trustee, or conservator shall not be aggregated, but each personal representative, trustee, or conservator shall be treated separately.

Sec. 3. Section 633.63, subsection 1, Code 2009, is amended to read as follows:

1. Any natural person of full age, who is a resident of this state, is qualified to serve as a fiduciary, except any of the following:

~~a. One who is under legal incompetency or is a chronic alcoholic or a spendthrift~~ A person who is incompetent.

b. Any other person whom the court determines to be unsuitable.

Sec. 4. Section 633.231, Code 2009, is amended to read as follows:

633.231 Notice in intestate estates — medical assistance claims.

1. Upon opening administration of an intestate estate, the administrator shall, in accordance with section 633.410, provide by ~~ordinary mail~~ electronic transmission on a form approved by the department of human services to the entity designated by the department of human services, a notice of opening administration of the estate and of the appointment of the administrator, which shall include a notice to file claims with the clerk or to provide electronic notification to the administrator that the department has no claim within the later to occur of four months from the second publication of the notice to creditors or six months from the date of mailing of sending this notice, or thereafter be forever barred.

2. The notice shall be in substantially the following form:

NOTICE OF OPENING ADMINISTRATION
OF ESTATE, OF APPOINTMENT OF
ADMINISTRATOR, AND NOTICE
TO CREDITOR

In the District Court of Iowa

In and for County.

In the Estate of, Deceased